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TAGS: PGOV, KS, US
SUBJECT: DEPARTMENT OF JUSTICE PRESS CONFERENCE ON TONGSUN PARK
1. FOLLOWING IS THE INITIAL VERBATIM TEXT OF THE PRESS CONFERENCE ANNOUNCING THE AGREEMENT BETWEEN THE USG AND ROKG CONCERNING THE CASE OF TONGSUN PARK. THE ANNOUNCEMENT WAS MADE DECEMBER 30 AT 1700 EST AT THE DEPARTMENT OF JUSTICE BY BENJAMIN CIVILETTI, ACTING DEPUTY ATTORNEY GENERAL. ALSO PRESENT ON THE PODIUM AT THE PRESS CONFERENCE WERE ACTING ASSISTANT SECRETARY OF STATE FOR EAST ASIAN AFFAIRS WILLIAM GLEYSTEEN, COUNTRY DIRECTOR FOR KOREA ROBERT RICH AND JUSTICE DEPUTY SECTION CHIEF PAUL MICHEL.
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2. BEGIN VERBATIM TEXT:
MR. CIVILETTI: GOOD AFTERNOON: I AM PLEASED TO INFORM YOU OF A JOINT STATEMENT OF UNDERSTANDING BETWEEN THE REPUBLIC OF KOREA AND THE UNITED STATES PROVIDING FOR COOPERATION BETWEEN OUR TWO GOVERNMENTS CONCERNING MR. TONGSUN PARK. I BELIEVE YOU HAVE THE TEXT OF THE JOINT STATEMENT WHICH WILL BE SIGNEDIN SEOUL BY THE FORFIGN MINISTER OF THE REPUBLIC OF KOREA AND THE UNITED STATES AMBASSADOR RICHARD SNEIDER. THE JOINT STATEMENT SETS FORTH A PROCESS INVOLVING A NUMBER OF STAGES. THE MOST IMPORTANT ARE, FIRST, THE INTERROGATION AND QUESTIONING OF MR. PARK IN SEOUL BY OUR PROSECUTORS, AND, SECOND, MR PARK'S COMING TO THE UNITED STATES TO TESTIFY AT TRIALS OF UNITED STATES OFFICIALS IF AND WHEN THOSE TRIALS OCCUR.
U.S. PROSECUTORS WILL CONDUCT A FULL DIRECT EXAMINATION OF MR. PARK, AND THEN THAT EVIDENCE WILL BE PRESENTED IN THE FORM OF TRANSCRIPTS PROBABLY TO THE FEDERAL GRAND JURY WHICH IS IN SESSION HERE.
WE HAVE ASSURANCES FROM BOTH MR. PARK AND THE REPUBLIC OF KOREA THAT MR. PARK WILL BE FULLY AVAILABLE TO TESTIFY IN

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CRIMINAL COURT TRIALS IN THE UNITED STATES AFTER THE GRAND JURY CONSIDERS THE RELEVANT EVIDENCE AND COMPLETES ITS WORK IF INDICTMENTS IN THIS MATTER OR FURTHER INDICTMENTS ARE RETURNED.

FOR ABOUT EIGHT WEEKS, WE HAVE BEEN INVOLVED IN ALMOST DAILY INTENSIVE DISCUSSIONS AND NEGOTIATIONS BETWEEN OUR TWO GOVERNMENTS LEADING TO THE UNDERSTANDINGS IN THIS JOINT STATEMENT.

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I WISH PERSONALLY AND ON BEHALF OF THE DEPARTMENT OF JUSTICE TO COMMEND AMBASSADOR SNEIDER IN SEOUL WHO HAS EFFECTIVELY AND DILIGENTLY AND TIRELESSLY REPRESENTED THE UNITED STATES IN SEOUL IN NEGOTIATING THESE ARRANGEMENTS.

ESSENTIAL TO OUR REACHING THESE UNDERSTANDINGS, IN ADDITION TO THE MUTUAL DESIRES OF OUR TWO GOVERNMENTS, WAS THE PERSONAL WILLINGNESS AND COOPERATION AT THIS POINT OF MR. PARK. I CAN REPORT THAT WE HAVE FULL WRITTEN ASSURANCES FROM MR. PARK THAT HE WILL COOPERATE AND ABIDE BY THE UNDER-STANDINGS YOU HAVE BEFORE YOU.

WE ARE CONFIDENT THAT WE NOW HAVE A PRACTICAL ARRANGEMENT FOR PROCEEDING IN THIS MATTER. BY WORKING WITH US TO REACH THIS REALISTIC SOLUTION, THE KOREAN GOVERNMENT HAS ADOPTED A CONSTRUCTIVE APPROACH WHICH SHOULD HELP TO RESTORE THE RELATIONS THAT HAVE LONG EXISTED BETWEEN OUR TWO COUNTRIES.

PROSECUTION OF THOSE WHO HAVE VIOLATED U.S. LAWS IS ONLY ONE ASPECT OF THIS MATTER. THE CONGRESS ALSO IS PROPERLY CONCERNED IN THESE INVESTIGATIONS RELATING TO THE ETHICAL CONDUCT AND STANDARDS OF ITS MEMBERS.

WITH THE FULL CONCURRENCE OF THE KOREAN GOVERNMENT, WE WILL BE PROMPTLY PROVIDING FULL TRANSCRIPTS OF OUR INTERROGATION OF MR. PARK TO THE HOUSE AND SENATE ETHICS COMMITTEES. TODAY'S AGREEMENT DOES NOT PRECLUDE FURTHER ARRANGEMENTS WHICH THE CONGRESS MAY MAKE REGARDING ITS DUTIES AND FUNCTIONS WITH MR. TONGSUN PARK.

WE WILL CONTINUE TO DISCUSS WITH THE HOUSE AND SENATE COMMITTEES HOW WE CAN BE OF FURTHER ASSISTANCE TO ONE ANOTHER AS THE INVESTIGATION PROCEEDS.

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WE PLAN IMMEDIATELY TO IMPLEMENT THE PROCESS SET OUT IN THE JOINT STATEMENT. MY COLLEAGUE, PAUL MICHEL, AND I PLAN TO LEAVE FOR KOREA ABOUT A WEEK FROM TODAY, JANUARY 6TH, TO CONCLUDE THE MUTUAL PROSECUTION ASSISTANCE AGREEMENT WITH THE KOREAN MINISTRY OF JUSTICE, SIGN A MEMORANDUM OF UNDERSTANDING WITH TONGSUN PARK, AND CARRY OUT THE INTERROGATION WHICH I HAVE DESCRIBED.

THE MUTUAL PROSECUTION ASSISTANCE AGREEMENT WILL INCORPORATE BY REFERENCE THE JOINT UNDERSTANDINGS ANNOUNCED TODAY, AND

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WILL ALSO INCLUDE DETAILS SUCH AS THE MECHANICS OF THE INTERROGATION, MR. PARK'S TRAVEL ARRANGEMENTS TO COME TO THE UNITED STATES AS A WITNESS, AND THE MEMORANDUM OF UNDERSTANDING WITH MR. PARK WILL INCLUDE THE COMMITMENTS SET OUT IN THE JOINT STATEMENT REGARDING THE OFFER OF IMMUNITY FROM PROSECUTION FOR PAST ACTS AND THE DISPOSITION OF THE INDICTMENT NOW PENDING AGAINST MR. PARK, AS WELL AS RECIPROCAL COMMITMENTS BY MR. PARK REGARDING HIS INTERROGATION IN KOREA, HIS TRUTH FUL TESTIMONY, AND THE RETURN TO THE UNITED STATES AS A WITNESS.
THE SUBSTANCE OF THESE MATTERS HAS BEEN CONCLUDED AND IS REPRESENTED BY THE JOINT STATEMENT BEFORE YOU. WE THEREFORE DO NOT ANTICIPATE ANY DELAY IN PROCEEDING EXPEDITIOUSLY TO THE INTERROGATION OF MR. PARK WHEN WE REACH KOREA. I EXPECT THAT THE FULL INTERROGATION TEAM WILL REMAIN THERE FOR ABOUT TWO WEEKS.
I OBVIOUSLY CANNOT SPECULATE AT THIS TIME ABOUT WHAT INDICTMENTS MAY EMERGE FROM THIS PROCESS, SINCE THAT WILL DEPEND ON WHAT WE LEARN WHEN WE QUESTION MR. PARK. WE EVALUATE ALL OF OUR COOPERATIVE EVIDENCE. THE GRAND JURY ANALYZES

AND EVALUATES THAT EVIDENCE, AND WHATEVER OTHER FURTHER INVESTIGATIVE LEADS WHICH WILL HAVE TO BE PERFORMED THEREAFTER.
I WILL BE PLEASED TO ANSWER ANY QUESTIONS THAT YOU MAY HAVE REGARDING THE TERMS OF THE UNDERSTANDINGS BEFORE YOU OR WHAT I HAVE SAID NOW, AND MR. GLEYSTEEN IS HERE TO ANSWER ANY FURTHER QUESTION YOU MAY HAVE REGARDING THE NEGOTIATIONS AND THE STATE DEPARTMENT'S CONDUCT OF THOSE NEGOTIATIONS THAT HAVE LED TO THIS JOINT STATEMENT.
THANK YOU.
Q: MR. CIVILETTI, WILL THE DEPARTMENT ATTEMPT TO DISCOURAGE CONGRESSIONAL COMMITTEES FROM ATTEMPTING TO SUBPOENA MR. PARK WHEN HE COMES BACK HERE FOR TRIAL?
MR. CIVILETTI: NOT DISCOURAGE, NO. THE DEPARTMENT WILL, IN LIGHT OF OUR CONTINUING COMMUNICATIONS WITH THOSE COMMITTEES, AND IN LIGHT OF PROVIDING IMMEDIATELY FULL TRANSRIPTS OF THE INTERROGATION, WILL, OR MAY, REQUEST THAT SUBPOENAS EITHER NOT BE ISSUED, OR THAT THERE BE NEGOTIATION FOR APPEARANCES BEFORE COMMITTEES, AND THAT APPROPRIATE TIMING BE ARRANGED SO THAT IT IS PRODUCTIVE AND NOT COUNTERPRODUCTIVE.
Q. SIR, MAY I ASK YOU A LEGAL QUESTION? IT REPEATS IN HERE IN A COUPLE OF INSTANCES THAT MR. PARK WILL COME HERE SOLELY FOR THE PURPOSE OF TESTIFYING IN COURT. LEGALLY. COULD HE BE SUBPOENAED AND REQUIRED TO TESTIFY ON THE HILL DESPITE ANYTHING THAT IS DRAWN UP HERE?
MR. CIVILETTI: WELL, THE LANGUAGE IN THE STATEMENT WAS CAREFULLY DRAWN BECAUSE, AS I UNDERSTAND THE SEPARATION OF POWERS AND THE LAW, AND ARSENT ANY DELEGATION OF POWER

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OR AUTHORITY FROM CONGRESS WHICH DOES NOT EXIST, CONGRESS HAS ITS FULL RIGHTS, POWERS, AND AUTHORITY, THROUGH ITS COMMITTEES, AND PARTICULARLY THE ETHICS COMMITTEES, TO DO WHAT IT DEEMS APPROPRIATE WITH REGARD TO ITS INDEPENDENT INVESTIGATIONS. AND WE HAVE CAREFULLY DONE NOTHING IN THIS AGREEMENT TO TRY TO ABRIDGE, IMPEDE, OR PROHIBIT THE FREE AND CAREFUL EXERCISE OF THOSE RIGHTS AND POWERS. SO THE LEGAL AND SHORT ANSWER TO YOUR QUESTION IS THAT CONGRESS HAS THE LEGAL RIGHT, POWER AND AUTHORITY TO SUBPOENA MR. PARK TO CONGRESSIONAL TESTIMONY.

Q: MAY I FOLLOW WITH ONE OTHER QUESTION?

MR. CIVILETTI: SURELY.

Q: WILL YOU BE PERMITTED UNDER THIS AGREEMENT TO EXAMINE MR. PARK WITHOUT THE PRESENCE OF REPRESENTATIVES OF THE KOREAN GOVERNMENT?

MR. CIVILETTI: THAT IS NOT ENVISIONED IN THE AGREEMENT.

Q: WILL THERE BE OBSERVERS?

MR. CIVILETTI: NO. THERE WILL BE KOREAN REPRESENTATIVES OF THEIR MINISTRY OF JUSTICE -- IN EFFECT, THEIR PROSECUTORS -- PRESENT TO LISTEN TO THE QUESTIONS AND TO THE ANSWERS, BUT THE INTERROGATION SESSIONS IN GENERAL WILL BE CONDUCTED UNDER CIRCUMSTANCES OF RELIABILITY. THOSE CIRCUMSTANCES GENERALLY ARE AS INDICATED, I BELIEVE, IN THE AGREEMENT. ONE, FULL EXAMINATION; TWO, CONDUCTED IN ENGLISH FOR FACILITY; THREE, THE RIGHT TO PRESENT AND BE CONFRONTED WITH DOCUMENTS; FOUR, THE RIGHT TO ASK ANY UNLIMITED NUMBER OF FOLLOW-UP QUESTIONS; FIVE, CONDUCTED

UNDER OATH; AND, SIX, THE USE OF POLYGRAPH EXAMINATION CONTEMPORANEOUSLY WITH THE INTERROGATION.

Q: MR. CIVILETTI, DO YOU FEEL THE DEPARTMENT OF JUSTICE MAY HAVE MISMANAGED THIS INVESTIGATION BY FAILING TO HAVE SUBPOENAED MR. PARK PRIOR TO HIS DEPARTURE FROM THE COUNTRY 14 MONTHS AGO? WOULD YOU HAVE SETTLED FOR THIS TODAY?

MR. CIVILETTI: I WASN'T HERE 14 MONTHS AGO, BUT FROM THE HISTORICAL CONTEXT, IT SEEMS TO ME THAT AT THAT TIME, MR. PARK WAS INTERROGATED AND ASKED SOME QUESTIONS, AND THERE WAS NO DISCLOSURE OR INDICATION WHICH WOULD HAVE ALERTED THE GOVERNMENT AT THAT EARLY STAGE OF THE PRELIMINARY INVESTIGATION THAT HE WAS ABOUT TO FLEE. SO I SUGGEST THAT THEY MAY NOT HAVE BEEN IN THE POSTURE TO HAVE ANTICIPATED THE FRUITFULNESS, OR EVEN IT MAY HAVE BEEN UNFRUITFUL, TO HAVE SUBPOENAED HIM THEN, HE HAVING TO APPEAR AND ASKING HIM A SERIES OF THEN PERHAPS LIMITED QUESTIONS AND THEN HAVING HAD HIM FLEE. I THINK IT'S LITTLE DIFFERENCE AT THAT STAGE.

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Q: IF YOU FIND MR. PARK IS NOT BEING TRUTHFUL, WILL HE BE SUBJECT TO AMERICAN PERJURY STATUTES?
MR. CIVILETTI: YES.
Q: SIR, WILL HE BE UNDER POLYGRAPH DURING ALL THE QUESTIONS?
MR. CIVILETTI: HE COULD BE UNDER THE TERMS OF THE AGREEMENT. I THINK THAT IS PROBABLY NOT NECESSARY OR ADVISABLE SINCE THERE WILL BE PERIODS OF TIME INITIALLY AND THEN PERIODICALLY THEREAFTER, WHERE THE QUESTIONING WILL BE BACKGROUND QUESTIONING. THERE WILL BE CIRCUMSTANTIAL

DETAIL AND WILL NOT BE OF A CRUCIAL NATURE.
Q. WHY HAS THE KOREAN MINISTRY OF JUSTICE INSISTED ON HAVING REPRESENTATIVES, AND ARE YOU HAPPY WITH THAT PROCEDURE YOURSELF?
MR. CIVILETTI: YES, UNDER THE TERMS AND CONDITIONS OF ALL OF THE AGREEMENTS, THAT IS THE MEMORANDUM OF UNDERSTANDING AND THE MUTUAL PROSECUTION ASSISTANCE AGREEMENT, THERE IS AN UNDERLYING ASSUMPTION, AND THAT IS THAT MR. PARK IS COMPELLED TO TELL THE TRUTH, AND THAT COMPULSION COMES FROM HIS OWN AGREEMENT FROM HIS BEING SUBJECT TO PERJURY BECAUSE HE IS UNDER A DULY ADMINISTERED OATH, BECAUSE THE VERY NATURE OF OUR REPRESENTATIONS AT THE END OF THE LINE WHEN HE HAS PERFORMED THIS COURSE OF ACTION. IT IS ONLY AT THAT TIME WHEN IN GOOD FAITH.WE WILL MOVE TO DISMISS THE INDICTMENT AGAINST HIM; SO WITH THOSE CIRCUMSTANCES AND CONDITIONS, IT IS OF LITTLE IMPORTANCE OR RELEVANCE, FROM OUR POINT OF VIEW, THAT ONE OR TWO KOREAN PROSECUTORS ARE PRESENT AT THE TIME OF THE INTERROGATION.
Q. BUT INASMUCH AS THE INDICTMENT CHARGES THAT HE WAS ACTING SECRETLY AND IMPROPERLY ON BEHALF OF HIS OWN GOVERNMENT. WOULDN'T THIS HAVE A CHILLING EFFECT ON HIM TO HAVE HIS OWN GOVERNMENT REPRESENTATIVE SITTING IN?
MR. CIVILETTI: I THINK THE INDICTMENT CHARGES THAT HE WAS SECRETLY, FROM THE UNITED STATES POINT OF VIEW, ACTING AS AN AGENT OF THE KCIA AT PAST TIMES, AND I THINK THAT THAT CHILLING EFFECT BRIDGE HAS BEEN CLOSED LONG AGO.
Q: MR. CIVILETTI, WILL MR. PARK BE ABLE TO TESTIFY -- HAS HE AGREED TO TESTIFY AT THE TRIAL OF FORMER CONGRESSMAN

HANNA, AND DO YOU KNOW HOW SOON THAT MAY BEGIN?
MR. CIVILETTI: AS I UNDERSTAND, THE PRESENT STATUS OF THE HANNA CASE IS THAT IT IS SUBJECT TO ARGUMENTS ON MOTIONS TO CONTINUE THE CASE FOR, I BELIEVE, SIX WEEKS -- I AM NOT EXACTLY SURE OF THE DATE -- AND THOSE ARGUMENTS ARE GOING TO TAKE PLACE EARLY IN JANUARY. THIS AGREEMENT WOULD CONTEMPLATE AND INCLUDES WITHIN IT THE POTENTIAL OF PARK'S DEPENDING UPON HIS RELEVANT EVIDENCE, PARK'S APPEARANCE

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FOR THE TRIAL OF HANNA, SHOULD WE FEEL AND DEEM IT NECESSARY THAT HIS EVIDENCE IS PROBATIVE AND IMPORTANT.

Q: MR. CIVILETTI, DOES THIS AGREEMENT RAISE THE PROSPECT THAT THERE WILL BE MORE INDICTMENTS OF CONGRESSMEN AND FORMER CONGRESSMEN THAN OTHERWISE WOULD HAVE BEEN THE CASF?

MR. CIVILETTI: I DON'T KNOW BECAUSE I DON'T KNOW WHAT MR. PARK KNOWS, COMPLETELY. IT CERTAINLY PROVIDES AN OPPORTUNITY, WE BELIEVE, FOR OBTAINING A GREAT DEAL MORE FACT AND INFORMATION. IT WOULD BE SPECULATIVE TO SAY THAT, WITHOUT KNOWING THE VALIDITY AND SUBSTANCE AND DETAIL OF THAT FACT AND INFORMATION THAT IT WILL OR WILL NOT YIELD OTHER CASES. AND OF COURSE, THE GRAND JURY IS INVOLVED IN THAT ENTIRE EVALUATION. SO, I CAN'T SAY.

WHAT I CAN SAY AEFIRMATIVELY IS THAT IT CERTAINLY WILL PROVIDE, WE BELIEVE A GREAT DEAL OF MISSING, NOW-MISSING FACT AND INFORMATION CONCERNING MR. PARK'S ACTIVITIES WHILE IN THE UNITED STATES AND HIS PARTICIPATION IN PICE COMMISSIONS AND WHAT WAS DONE WITH SOME OF THE PROCEEDS OF THOSE COMMISSIONS.

Q: MR. CIVILETTI, HOW WILL YOU KNOW IF HE HAS COMMITTED PERJURY OR NOT?

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MR. CIVILETTI: THE SAME WAY YOU KNOW OR DON'T KNOW WITH REGARD TO EVERYONE ELSE.

Q: I'M SORRY. I MEAN, HOW WILL YOU KNOW IN TIME BEFORE HE HAS LEFT THE COUNTRY AND IS NO LONGR WITHIN YOUR REACH?

MR. CIVILETTI: YOU MEAN -- IS YOUR QUESTION, HOW WOULD WE BE ABLE TO KNOW THAT MR. PARK MAY HAVE COMMITTED PERJURY DURING THE COURSE OF A CRIMINAL TRIAL?

Q: YES, BEFORE YOU GIVF HIM THE IMMUNITY?

MR. CIVILETTI: YOU CAN'T KNOW WITH ABSOLUTE CERTAINTY AND CONVICTION, BUT IN THE PREPARATION FOR CRIMINAL TRIAL, EITHER BY THE PROSECUTOR OR THE DEFENDANT, BOTH SIDES, AND PARTICULARLY THF SIDE CALLING THE WITNESS, KNOWS FAIRLY PRECISELY THAT HIS ESSENTIAL TESTIMONY IS. AND IF HIS ESSENTIAL TESTIMONY VARIES IMPORTANTLY FROM WHAT YOU EXPECT, THEN YOU HAVE SOME GRAVE PROBLEMS, AND I THINK IN THAT CIRCUMSTANCE, THAT IT WOULD BE HIGHLY UNLIKELY THAT WE WOULD BLITHELY WAVE GOOD-BY TO MR. PARK.

Q: MR. CIVILETTI, WHAT HAVE BEEN THE HANG-UPS OR SNAGS OR PROBLEMS IN GETTING THROUGH THIS AGREEMENT IN THE PAST FEW MONTHS?

MR. CIVILETTI: YOU WANT THAT IN TEN WORDS OR LESS?

Q: YES, SIR. (LAUGHTER)

MR. CIVILETTI: THERE HAVE BEEN AN AWFUL LOT OF SNAGS AND HANG-UPS AND COMPLEXITIES BECAUSE IT IS A TRIPARTITE AGREEMENT IN PART, THAT IS IT IS NOT SIMPLY AN AGREEMENT BETWEEN

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TWO GOVERNMENTS OR BETWEEN A GOVERNMENT AND AN INDIVIDUAL, BUT DIFFERENT INTERESTS ARE CONCERNED AND THAT COMPLICATES THE PROBLEM. SOME OF THE MORE RECENT DIFFICULTIES--AND BY "RECENT" I MEAN WITHIN THE LAST 48 HOURS -- HAVE BEEN A NATURAL, I GUESS, ATTEMPT BY MR. PARK TO BE PERFECTLY SURE THAT HE UNDERSTOOD THE MEANING AND EFFECT OF THE MEMORANDUM OF UNDERSTANDING WHICH HE EXECUTES AND AGREES TO FOLLOW, AND HE RECEIVED THE BENEFIT OF FULL UNDERSTANDING FROM BOTH HIS KOREAN COUNSEL AND HIS AMERICAN COUNSEL, AND MORE PARTICULARLY, OUR INSISTENCE, NOT NEW, BUT THROUGHOUT, THAT WE BE ASSURED THAT HE HAD SUCH FULL UNDERSTANDING, AND THAT HE HAD COMMITTED HIMSELF WITH THE FULL BENEFIT OF THE ADVICE OF COUNSEL TO THE PRECISE TERMS OF THE MEMORANDUM OF UNDERSTANDING, WHICH HAS BEEN DONE.

Q: MR. CIVILETTI, WILL YOU TELL US HOW MANY RELATIONSHIPS WITH MEMBERS OF CONGRESS YOU NOW PLAN TO ASK MR. PARK ABOUT?

MR. CIVILETTI: I DON'T KNOW THE ANSWER TO THAT, SO I CAN'T TELL YOU WITH ANY PRECISION, AND IT IS INAPPROPRIATE, HAS BEEN INAPPROPRIATE IN THE PAST, FOR THE DEPARTMENT OF JUSTICE AND FOR PROSECUTORS IN THE COURSE OF INVESTIGATION OF THE CASE TO BE SPECULATING WITH REGARD TO NUMBERS. I'M IN NO BETTER POSITION NOW THAN I HAVE BEEN, TO ENGAGE IN SUCH SPECULATION.

Q: CAN YOU TELL US WHETHER, ON THE SNAGS AGAIN, WHETHER ANYTHING IN THE LAST 24 HOURS, WHETHER THIS DELAY RESULTED IN PART FROM ANY UNHAPPINESS ON THE PART OF MR. JAWORSKI, ANY ATTEMPT TO CHANGE THE WORDING IN THE LAST 24 HOURS?

MR. CIVILETTI: THE ANSWER TO THAT IS THAT IT DID NOT.

Q: MR. CIVILETTI, HAS THE DEPARTMENT DISCUSSED IMMUNITY WITH THE COUNSEL FOR THE OTHER TWO DEFENDANTS --?

MR. CIVILETTI: I BEG YOUR PARDON.

Q. HAS THE DEPARTMENT DISCUSSED THE POSSIBILITY OF IMMUNITY FOR EITHER HANCHHO KIM OR FORMER CONGRESSMAN HANNA?

MR. CIVILETTI: I DON'T UNDERSTAND THAT QUESTIO. THEIR TRIALS ARE EITHER SCHEDULED OR TO BE SCHEDULED. DO YOU MEAN A SUBSEQUENT IMMUNITY AFTER THEIR TRIAL OR DO YOU MEAN DISMISSAL OF THE INDICTMENT AND A GRANTING OF IMMUNITY?

Q: HAS THE DEPARTMENT DISCUSSED THE POSSIBILITY OF IMMUNITY IN RETURN FOR HIS TESTIMONY?

MR. CIVILETTI: I BEG YOUR PARDON.

Q: HAS THE DEPARTMENT DISCUSSED THE POSSIBILITY OF IMMUNITY FOR HANCHO KIM IN RETURN FOR HIS TESTIMONY ON HIS PROMISE?

MR. CIVILETTI: AS OPPOSED TO PROCEEDING WITH HIS TRIAL?

Q: YES.

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MR. CIVILETTI: NO, NOT TO MY KNOWLEDGE. HE'S HERE. HE'S SUBJECT TO TRIAL AND TO THE LAWFUL PROCESS OF THE COURTS. IT'S AN ENTIRELY DIFFERENT CIRCUMSTANCE.
Q: MR. CIVILETTI --

MR. CIVILETTI: YES.
Q: -- WILL YOU AMPLIFY THE JOINT STATEMENT ON PAGE 2 -- D -- IN LIGHT OF YOUR REMARK THAT THE KOREAN OFFICIALS HAVE THE AUTHORITY AND ADVICE TO SUBPOENA MR. PARK? HE SAID, "MR. TONGSUN PARK BY REASON OF THESE ARRANGEMENTS WILL ASSUME NO OBLIGATION TO APPEAR BEFORE CONGRESSIONAL COMMITTEES" AT ALL.
MR. CIVILETTI: 4D ON PAGE 2?
Q: YES, 4D ON PAGE 2.
MR. CIVILETTI: IT MEANS WHAT IT SAYS -- THAT IS, BY REASON OF THIS AGREEMENT ALONE, MR. PARK ASSUMES, ARISING OUT OF THIS AGREEMENT, NO CONTRACTUAL OR LEGAL OBLIGATIONS TO APPEAR BEFORE CONGRESSIONAL COMMITTEES OR TO UNDERGO QUESTIONING BY ANY OTHER UNITED STATES GOVERNMENT AGENCY.
IN OTHER WORDS, HE DOES NOT EITHER CONTRACTUALLY AGREE OR DOES NOT BY THIS AGREEMENT VOLUNTARILY AGREE TO GIVE TESTIMONY OR UNDERGO QUESTIONING BY THE VARIOUS DEPARTMENTS OF THE GOVERNMENT WHO MIGHT BE INTERESTED IN ASKING HIM QUFSTIONS OR TO THE CONGRESSIONAL COMMITTEES-- SO THAT THE AGREEMENT LEAVES MR. PARK ESSENTIALLY IN THE SAME STATUS THAT HE WOULD BE IN WITHOUT THE AGREEMENT AND IT LEAVES THE CONGRESSIONAL COMMITTEES WITH REGARD TO THEIR POWERS AND AUTHORITIES IN THE SAME STATUS THAT THEY WOULD BE IN WITHOUT THE AGREEMENT.
Q: MR. CIVILETTI --
Q: THIS DOESN'T PRECLUDE --
Q: A FOLLOW-UP, PLEASE.

MR. CIVILETTI: YES, SIR.
Q: CONSIDERING THAT HE'S A FOREIGN NATIONAL, THEN DO YOU EXPECT THAT THERE MIGHT BE A POSSIBILITY OF A LEGAL PROBLEM WHICH IS SUPERIOR -- I MEAN THE AGREEMENT BETWEEN THE TWO GOVERNMENTS OR THE DOMESTIC LAW OF THIS UNITED STATES?
MR. CIVILETTI: I DON'T UNDERSTAND THE THRUST OF THE QUESTION COMPLETELY; BUT I DO NOT FORESEE A DRAMATIC LEGAL PROBLEM, NO.
Q: COULD MR. PARK BE PROSECUTED IN KOREA FOR SOMETHING THAT HE HAS BEEN IMMUNIZED ON BY THE DEPARTMENT OF JUSTICE?
MR. CIVILETTI: I THINK HE PROBABLY COULD BE, BUT I AM NOT CERTAIN.

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Q: BUT ISN'T --
MR. CIVILETTI: OF COURSE, THE MEMORANDUM OF UNDERSTANDING COVERS THAT FORESEEABILITY BECAUSE HE WAIVES ANY FIFTH AMENDMENT RIGHTS OR ANY OTHER SIMILAR RIGHTS UNDER KOREAN LAW.
Q: WHAT IS -- I DON'T UNDERSTAND WHAT THAT MEANS. IF BOTH KOREAN PROSECUTORS AND U.S. PROSECUTORS ARE QUESTIONING HIM IN SEOUL, ISN'T IT LIKELY THAT IN GIVING YOU GOOD EVIDENCE HE WOULD INCRIMINATE HIMSELF UNDER KOREAN LAW?
MR. CIVILETTI: I DON'T KNOW WHETHER HE WOULD OR NOT.

WHAT I'VE SAID IS THAT HE HAS AGREED, IN THE MEMORANDUM OF UNDERSTANDING, THAT HE WAIVES WHATEVER RIGHTS HE MAY HAVE UNDER KOREAN LAW TO REFUSE TO TESTIFY; AND TO THE EXTENT THAT THERE IS ANY RISK THAT HE MAY HAVE, HE RUNS THAT RISK.
YES SIR.
Q: DOES THE IMMUNITY EXCLUDE THE TAX CHARGES THAT MAY ARISE IN THE TAX MATTERS NOW BEFORE THE COURT?
MR. CIVILETTI: I DON'T KNOW WHAT YOU MEAN BY "TAX MATTERS." IMMUNITY RELATES TO CRIMINAL PROCEEDINGS --
Q: THAT'S CORRECT.
MR. CIVILETTI: -- AND THE IMMUNITY WOULD APPLY TO ALL CRIMINAL PROCEEDINGS FOR PAST ACTS. IT HAS NO APPLICATION TO CIVIL PROCEEDINGS.
AS YOU WELL KNOW, HE IS SUBJECT TO ANY NUMBER OF CIVIL DIFFICULTIES, INCLUDING TAX PROCEEDINGS.
Q: SHOULD THE INTERNAL REVENUE SERVICE COME TO FEEL THAT HE HAS FRAUDENTLY ATTEMPTED TO EVADE THE UNITED STATES TAX LAWS AND CRIMINAL CHARGES, THE QUESTION WAS, IN OTHER WORDS.
MR. CIVILETTI: CERTAINLY.
Q: THANK YOU VERY MUCH.
Q: SO MR. JAWORSKI HAS SAID THAT THE CONGRESS -- THE ETHICS COMMITTEE -- WILL ISSUE A SUBPOENA FOR MR. PARK IF HE RETURNS TO THIS COUNTRY. HAVE YOU DISCUSSED WITH HIM THE POSSIBILITY OF ASKING THE CONGRESS NOT TO ISSUE A SUBPOENA?

MR. CIVILETTI: WITH SHOM?
Q: MR. JAWORSKI.
MR. CIVILETTI: YES. AND HE HAS INDICATED THAT HE DOES NOT FEEL THAT HE HAS ANY INCLINATION TO HONOR THAT REQUEST AND FEELS -- AT LEAST, MR. JAWORSKI FEELS -- THAT PERHAPS IN THE FORESEEN FUTURE THAT WOULD BE THE BEST COURSE -- TO SUBPOENA MR. PARK.
Q: WILL YOU TAKE ANY ACTION IF HE DOES SUBPOENA MR.

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PARK? WILL THE DEPARTMENT GO TO COURT IN WASHINGTON?
MR. CIVILETTI: IT WOULD THINK THAT WE WOULD BE VERY RELUCTANT TO GO TO COURT AT ALL. I CAN'T IMAGINE -- OR CAN HARDLY IMAGINE -- THE CIRCUMSTANCE WHEREIN WE WOULD HAVE ANY LEGAL BASIS TO GO TO COURT, LET ALONE ANY DISPOSITION TO DO THAT, IN LIGHT OF A LAWFUL, APPROPRIATE INQUIRY BY CONGRESS SOUGHT TO BE ENFORCED BY MEANS OF A LEGITIMATE SUBPOENA.
SO I CAN'T VISUALIZE, ON THAT ISSUE, NEITHER ANY LEGAL BASIS NOR ANY POLICY BASIS FOR SUCH A CONFRONTATION.
Q: SINCE MORAL PERSUASION DIDN'T WORK BY MR. JAWORSKI , DOES THIS MEAN THAT HE'LL PROBABLY BE SUBPOENAED TO TESTIFY AND THERE'S NOTHING HE CAN DO ABOUT IT EXCEPT TO REARRANGE HIS SCHEDULE SO THAT THEY DO NOT TAKE HIS TESTIMONY THE SAME DAY AS MR. JAWORSKI WILL?
MR. CIVILETTI: I AM A FIRM BELIEVER IN TRYING TO SOLVE PROBLEMS AS YOU GO ALONG WITH SOME VIEW TO THE FUTURE,
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BUT NOT TRYING TO SOLVE PROBLEMS WHICH HAVEN'T IMMEDIATELY OCCURRED, AND I WOULD HOPE THAT THROUGH CONTINUED COMMUNICATION, CONTINUED SINCERE EFFORTS BY THE DEPARTMENT OF JUSTICE, THE DEPARTMENT OF STATE AND CERTAINLY THE CONGRESSIONAL COMMITTEES, THAT WE CAN ALL PERFORM OUR FUNCTIONS AND OUR DUTIES WELL AND SATISFY THE NEED TO GET INFORMATION AND TO DISCLOSE FACTS TO THE AMERICAN PUBLIC IN ONE FORM OR ANOTHER SO THAT THIS MATTER IS EVENTUALLY PROPERLY CONCLUDED.
Q: ARE YOU SAYING, IN OTHER WORDS, THAT YOU DON'T THINK IT IS NECESSARY TO SUBPOENA MR. PARK?
MR. CIVILETTI: IT MAY OR IT MAY NOT BE. I DON'T KNOW. THAT IS NOT MY DECISION. IN THE CONGRESS, FOR INSTANCE, MR. JAWORSKI MAY WELL DO ANY NUMBER OF THINGS, INCLUDING A SUBPOENA AND EXCLUDING A SUBPOENA, WHICH WILL BE APPROPRIATE AND VIGOROUS AND BE IN THE BEST INTERESTS OF A THOROUGH AND CAREFUL INVESTIGATION BY THE ETHICS COMMITTEE.
Q: MR. CIVILETTI, WHAT IS YOUR ASSESSMENT ON THE ATTITUDE OF THE SOUTH KOREAN GOVERNMENT BY THIS AGREEMENT? WOULD YOU SAY THEY ARE FULLY COOPERATING WITH THE U.S. GOVERNMENT?
MR. CIVILETTI: I THINK I ADDRESSED THAT IN MY OPENING REMARKS. I THINK THE AGREEMENT EVIDENCES A VERY CONSTRUCTIVE ATTITUDE BY THE REPUBLIC OF KOREA AND THE NATURE AND TERMS OF THE STATEMENT INDICATE THAT THEY HAVE TAKEN A POSITIVE ATTITUDE OF CONCERN AND RECOGNITION OF THE INTEREST OF HAVING THIS INVESTIGATION PROCEED AND PROGRESS.
SO, I HAVE THAT TO SAY ABOUT THE GOVERNMENT.
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Q: DO YOU THINK BY THIS AGREEMENT THE UNITED STATES CONGRESS WILL BE MOST FAIR TO APPROVE THE SO-CALLED COMPENSATION AID TO SOUTH KOREA?

MR. CIVILETTI: I BEG YOUR PARDON. COULD YOU RESTATE THAT?

Q: DO YOU THINK BY THIS AGREEMENT THE U.S. CONGRESS WILL BE MOST FAIR TO APPROVE THE COMPENSATION AID TO SOUTH KOREA?

MR. CIVILETTI: I DON'T KNOW THE ANSWER TO THAT. I DON'T KNOW A GREAT DEAL ABOUT AID TO SOUTH KOREA AND ALL THE FACTORS WHICH GO INTO MAKING A DECISION ON THE MERITS ABOUT IT.

Q: HOW MUCH WHITE HOUSE PRESSURE WAS INVOLVED?

MR. CIVILETTI: HOW MUCH WHITE HOUSE PRESSURE WAS IN WHAT?

Q: IN REACHING THE AGREEMENT.

MR. CIVILETTI: IT IS HARD TO ANSWER BECAUSE I DON'T KNOW. I HAVEN'T TALKED TO THE WHITE HOUSE ABOUT IT SO I DON'T HAVE A MEASURE OF THE PULSE OF PRESSURE OVER THE LAST MONTH OR SO.

I THINK IT IS A MATTER OF PUBLIC RECORD THAT WE HAVE PRESENTED THE PROBLEMS FACED, PARTICULARLY WITH REGARD TO ATTAINING THE TESTIMONY AND TRUTH OF MR. PARK, TO NOT ONLY THE STATE DEPARTMENT BUT TO THE WHITE HOUSE AND IN AUGUST OF 1977 A DIRECT COMMUNICATION WAS MADE TO THE

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REPUBLIC OF KOREA AND PRIOR TO THAT TIME A STATE DEPARTMENT OFFICIAL WAS SPECIFICALLY AND SPECIALLY SENT TO THE REPUBLIC OF KOREA AND I BELIEVE THAT THAT DEMONSTRATION OF CONCERN AND INTEREST AND NEED TO OBTAIN TONGSUN PARK'S TRUTHFUL TESTIMONY FROM THE CHIEF EXECUTIVE'S OFFICE CERTAINLY MUST HAVE HAD, AT LEAST IT IS MY VIEW THAT IT WOULD HAVE HAD A STRONG IMPRESSION ON THE EXECUTIVE OFFICES AND GOVERNMENT OF ANOTHER COUNTRY.

Q: THANK YOU, MR. CIVILETTI.

Q: THANK YOU SIR.

END VERBATIM TEXT.

3. A DEPARTMENT OF JUSTICE PRESS RELEASE (MARKED FOR RELEASE AT 1930 EST) WAS DISTRIBUTED, GIVING THE TEXT OF THE JOINT STATEMENT. APPROXIMATELY 100 PERSONS ATTENDED THE PRESS CONFERENCE, WHICH CONCLUD-D AT ;740. CHRISTOPHER UNQUOTE".

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